

## CONDOMINIUM PUBLIC REPORT

Prepared &  
Issued by:

Developer Donna Kirk Fulton and James Anton Savattonne  
Address 503 Middlefield Drive, Aptos, CA 95003

Project Name (\*): FIUME PARADISO  
Address: Wainiha, Hanalei, Island and County of Kauai, State of Hawaii

Registration No. 4639

Effective date: October 10, 2006

Expiration date: November 10, 2007

### Preparation of this Report:

This report has been prepared by the Developer pursuant to the Condominium Property Act, Chapter 514A, Hawaii Revised Statutes, as amended. This report is not valid unless the Hawaii Real Estate Commission has issued a registration number and effective date for the report.

This report has not been prepared or issued by the Real Estate Commission or any other government agency. Neither the Commission nor any other government agency has judged or approved the merits or value, if any, of the project or of purchasing an apartment in the project.

**Buyers are encouraged to read this report carefully, and to seek professional advice before signing a sales contract for the purchase of an apartment in the project.**

Expiration Date of Reports: Preliminary Public Reports and Final Public Reports automatically expire thirteen (13) months from the effective date unless a Supplementary Public Report is issued or unless the Commission issues an order, a copy of which is attached to this report, extending the effective date for the report.

Exception: The Real Estate Commission may issue an order, a copy of which shall be attached to this report, that the final public report for a two apartment condominium project shall have no expiration date.

### Type of Report:

- ☐ **PRELIMINARY:**  
(yellow) The developer may not as yet have created the condominium but has filed with the Real Estate Commission minimal information sufficient for a Preliminary Public Report. A Final Public Report will be issued by the developer when complete information is filed.
- ☐ **FINAL:**  
(white) The developer has legally created a condominium and has filed complete information with the Commission.  
☐ No prior reports have been issued.  
☐ This report supersedes all prior public reports.  
☐ This report must be read together with \_\_\_\_\_
- ☒ **SUPPLEMENTARY:**  
(pink) This report updates information contained in the:  
☐ Preliminary Public Report dated: \_\_\_\_\_  
☒ Final Public Report dated: August 3, 2001  
☐ Supplementary Public Report dated: \_\_\_\_\_
- And ☐ Supersedes all prior public reports.  
☒ Must be read together with Final Public Report  
☒ This report reactivates the Final  
public report(s) which expired on September 3, 2002

(\*) Exactly as named in the Declaration

*This material can be made available for individuals with special needs. Please call the Senior Condominium Specialist at 586-2643 to submit your request.*

FORM: RECO-30 286/866/189/1190/892/0197/1098/0800/0203/0104

**Disclosure Abstract:** Separate Disclosure Abstract on this condominium project:

☐ Required and attached to this report      ☐ Not Required - Disclosures covered in this report.

**Summary of Changes from Earlier Public Reports:**

This summary contains a general description of the changes, if any, made by the developer since the last public report was issued. It is not necessarily all inclusive. Prospective buyers should compare this public report with the earlier reports if they wish to know the specific changes that have been made.

☐ No prior reports have been issued by the developer.

☒ Changes made are as follows:

Section I: Real Estate Broker and Attorney for Developer

Section III(E): Encumbrances Against Title

## I. PERSONS CONNECTED WITH THE PROJECT

Developer: Donna Fulton & James Savattonne Phone: (831) 332-2243  
Name\* 503 Middlefield Drive  
Business Address  
Aptos, CA 95003

Names of officers and directors of developers who are corporations; general partners of a partnership; partners of a Limited Liability Partnership (LLP); or manager and members of a Limited Liability Company (LLC) (attach separate sheet if necessary):

N/A

Real Estate Broker\*: NaPali Properties Phone: (808) 826-7272  
Name P.O. Box 475  
Business Address  
Hanalei, HI 96714

Escrow Title Guaranty of Hawaii, Inc. Phone: (808) 826-5300  
Name Princeville Office, Princeville Shopping Center  
Business Address  
Princeville, HI 96722

General Contractor\*: N/A Phone: \_\_\_\_\_  
Name \_\_\_\_\_ (Business)  
Business Address \_\_\_\_\_

Condominium Managing Agent\*: Self-managed by the Phone: \_\_\_\_\_  
Name \_\_\_\_\_ (Business)  
Association of Apartment Owners  
Business Address \_\_\_\_\_

Attorney for Developer: Pro-Se by Developers Phone: \_\_\_\_\_  
Name \_\_\_\_\_ (Business)  
Business Address \_\_\_\_\_

\* For Entities: Name of corporation, partnership, Limited Liability Partnership (LLP), or Limited Liability Company (LLC)

2. Limited Common Elements: Limited Common Elements are those common elements which are reserved for the exclusive use of the owners of certain apartments.

☐ There are no limited common elements in this project.

☐ The limited common elements and the apartments which use them, as described in the Declaration, are:

☐ described in Exhibit \_\_\_\_\_.

☐ as follows:

3. Common Interest: Each apartment will have an undivided fractional interest in all of the common elements. This interest is called the "common interest." It is used to determine each apartment's share of the maintenance fees and other common profits and expenses of the condominium project. It may also be used for other purposes, including voting on matters requiring action by apartment owners. The common interests for the apartments in this project, as described in the Declaration, are:

☐ described in Exhibit \_\_\_\_\_.

☐ as follows:

- E. Encumbrances Against Title: An encumbrance is a claim against or a liability on the property or a document affecting the title or use of the property. Encumbrances may have an adverse effect on the property or your purchase and ownership of an apartment in the project.

Exhibit B describes the encumbrances against the title contained in the title report dated July 6, 2006 and issued by Title Guaranty of Hawaii, Inc.

2. Rights Under the Sales Contract: Before signing the sales contract, prospective buyers should ask to see and carefully review all documents relating to the project. If these documents are not in final form, the buyer should ask to see the most recent draft. These include but are not limited to the:
- A) Condominium Public Reports issued by the developer which have been issued an effective date by the Hawaii Real Estate Commission.
  - B) Declaration of Condominium Property Regime, as amended.
  - C) Bylaws of the Association of Apartment Owners, as amended.
  - D) House Rules, if any.
  - E) Condominium Map, as amended.
  - F) Escrow Agreement.
  - G) Hawaii's Condominium Property Act (Chapter 514A, HRS, as amended) and Hawaii Administrative Rules, (Chapter 16-107, adopted by the Real Estate Commission, as amended).
  - H) Other \_\_\_\_\_

Copies of the condominium and sales documents and amendments made by the developer are available for review through the developer or through the developer's sales agent, if any. The Condominium Property Regime law (Chapter 514A, HRS) and the Administrative Rules (Chapter 107) are available online. Please refer to the following sites:

Website to access official copy of laws: [www.capitol.hawaii.gov](http://www.capitol.hawaii.gov)

Website to access unofficial copy of laws: [www.hawaii.gov/dcca/hrs](http://www.hawaii.gov/dcca/hrs)

Website to access rules: [www.hawaii.gov/dcca/har](http://www.hawaii.gov/dcca/har)

This Public Report is a part of Registration No. 4639 filed with the Real Estate Commission on May 21, 2002.

Reproduction of Report. When reproduced, this report must be on:

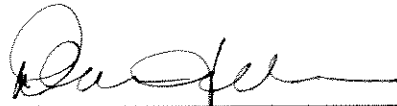
☐ YELLOW paper stock


☐ WHITE paper stock

☒ PINK paper stock

- D. The developer declares subject to the penalties set forth in section 514A-49(b) that this project is in compliance with all county zoning and building ordinances and codes, and all other county permitting requirements applicable to the project, pursuant to Act 251 (SLH 2000) [Section 514A-1.6] (The developer is required to make this declaration for issuance of an effective date for a final public report.)
- E. The developer hereby certifies that all the information contained in this Report and the Exhibits attached to this Report and all documents to be furnished by the developer to buyers concerning the project have been reviewed by the developer and are, to the best of the developer's knowledge, information and belief, true, correct and complete.

Donna K. Fulton James A. Savattonne  
Printed Name of Developer

By:  September 24, 2006  
Duly Authorized Signatory\* Date

 James A. Savattonne  
Donna K. Fulton Printed Name & Title of Person Signing Above

Distribution:

Department of Finance, County of Kauai

Planning Department, County of Kauai

***\*Must be signed for a: corporation by an officer; partnership or Limited Liability Partnership (LLP) by the general partner; Limited Liability Company (LLC) by the manager or member; and for an individual by the individual.***

EXHIBIT B

Encumbrances against Title

1. Real Property Taxes - DELINQUENT. (see tax statement attached)  
Tax Key: (4) 5-8-006-012 C.P.R. No. 0001 Apt. No. A  
Land Classification: IMPROVED RESIDENTIAL  
Street Address: 4630-B ANANALU ROAD, #A, HANAIEI, HAWAII 96714
2. Reservation in favor of the State of Hawaii of all mineral and metallic mines.
3. GRANT in favor of THOMAS CHAMBERLIN, unmarried, MITCHELL McPEEK, unmarried, MARK FEIGHAN, unmarried, and GARY D. CAPERS and KAREN L. ZIMMERER, husband and wife, dated --- (acknowledged April 28, 1993, April 27, 1993 and April 23, 1993), recorded as Document No. 93-072281; re: granting a perpetual, non-exclusive easement for underground water line and water facility purposes, under and across Easement "A".
4. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:  
  
INSTRUMENT : ROAD WIDENING RESERVE AGREEMENT  
  
DATED : July 5, 1993  
RECORDED : Document No. 93-121744  
PARTIES : ROY CHAMBERS and LYNNE ORGAN-CHAMBERS, and the  
COUNTY OF KAUAI Planning Department
5. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:  
  
INSTRUMENT : DECLARATION OF CONDOMINIUM PROPERTY REGIME FOR  
"FIUME PARADISO" CONDOMINIUM PROJECT

SCHEDULE B CONTINUED

DATED : March 13, 2001  
RECORDED : Document No. 2001-046774  
MAP : 3237 and any amendments thereto

Said Declaration was amended by instruments dated May 8, 2001, recorded as Document No. 2001-074952, and dated June 14, 2001, recorded as Document No. 2001-096144.

6. The terms and provisions, including the failure to comply with any covenants, conditions and reservations, contained in the following:

INSTRUMENT : BY-LAWS OF THE ASSOCIATION OF APARTMENT OWNERS

DATED : March 13, 2001  
RECORDED : Document No. 2001-046775

Said By-Laws were amended by instrument dated --- (acknowledged July 6, 2001 and July 10, 2001), recorded as Document No. 2001-110903.

7. GRANT

TO : RICHARD PATEY and SUSIE PATEY

DATED : --- (acknowledge date as September 17, 2001)  
RECORDED : Document No. 2001-149256  
GRANTING : an exclusive view easement across Grantor's driveway

8. The terms and provisions contained in the following:

INSTRUMENT : HEDGE PRESERVATION AND MAINTENANCE AGREEMENT

DATED : --- (acknowledge date as September 17, 2001)  
RECORDED : Document No. 2001-149257  
PARTIES : DONNA FULTON and JAMES SAVATONE, as owners of Unit A, and RICHARD PATEY and SUSIE PATEY, as owners of Unit B



SCHEDULE B CONTINUED

9. WAIVER OF CONSTRUCTION DRAWINGS dated August 17th, 2001, and recorded as Document No. 2001-151449.

10. REAL PROPERTY MORTGAGE AND FINANCING STATEMENT

LOAN/ACCOUNT NO. 1377027

MORTGAGOR : DONNA KIRK FULTON, single, and JAMES ANTON SAVATONE, single

MORTGAGEE : FIRST HAWAIIAN BANK, a Hawaii corporation

DATED : March 11, 2003

RECORDED : Document No. 2003-048533

AMOUNT : \$220,000.00

11. HAWAII LINE OF CREDIT MORTGAGE

LOAN/ACCOUNT NO. 0053477022

MORTGAGOR : DONNA KIRK FULTON

MORTGAGEE : FIRST HORIZON HOME LOAN CORPORATION, a Texas corporation

DATED : June 6, 2005

RECORDED : Document No. 2005-122894

AMOUNT : Home Equity Line of Credit Agreement, sums not to exceed \$100,000.00

END OF SCHEDULE B